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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:20-mj-221-DJA

Plaintiff,

**STIPULATION TO CONTINUE
PRELIMINARY EXAMINATION
(First Request)**

LOUIS DAMATO,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between, the United States of America, through the undersigned, and Shari L. Kaufman, Assistant Federal Public Defender, Counsel for defendant Louis Damato, that the Preliminary Examination Hearing currently scheduled for Friday, April 27, 2019, at the hour of 4:00 p.m. be vacated and continued to a date and time convenient for the Court, but in no event earlier than 30 days. This stipulation is entered into for the following reasons:

1. Parties are attempting negotiations and need the additional time to resolve this matter;
 2. The government is producing initial discovery and counsel for defendant will need additional time to review discovery and to meet with the defendant;

- 1 3. The additional time requested herein is not sought for the purposes of delay, but to
2 allow counsel for the defendant sufficient time to effectively and thoroughly research
3 and prepare;
- 4 4. Denial of this request for continuance could result in a miscarriage of justice;
- 5 5. Defendant is incarcerated and does not object to a continuance; and
- 6 6. The additional time requested is permitted under Federal Rule of Criminal Procedure
7 5.1(d) and excludable in computing the time within which an indictment or
8 information must be filed pursuant to the Speedy Trial Act, Title 18, United States
9 Code, Section 3161(b) and Title 18, United States Code, Section 3161(h)(7)(A)
10 considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
11 3161(h)(7)(B)(iv).

12 This is the first request for a continuance filed herein.

13 WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a
14 continuance of the preliminary hearing.

15 DATED this 16th day of April 2020.

16 NICHOLAS A. TRUTANICH
17 UNITED STATES ATTORNEY

RENE L. VALADARES
FEDERAL PUBLIC DEFENDER

18 */s/ Nicholas Dickinson*

/s/ SHARI L. KAUFMAN

19 NICHOLAS D. DICKINSON
Assistant United States Attorney

SHARI L. KAUFMAN
Assistant Federal Public Defender

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOUIS DAMATO,

Defendant.

Case No. 2:20-mj-221-DJA

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore,
the Court finds that:

1. Defendant is in custody and does not object to the continuance;
 2. The government is producing initial discovery and counsel for defendant will need additional time to review discovery and to meet with the defendant;
 3. The additional time requested herein is not sought for the purposes of delay, but to allow counsel for the defendant sufficient time to effectively and thoroughly research and prepare;
 4. Denial of this request for continuance could result in a miscarriage of justice;
 5. Denial of this request for continuance would deny undersigned counsel sufficient time to effectively and thoroughly prepare, taking into account the exercise of due diligence; and
 6. The additional time requested is permitted under Federal Rule of Criminal Procedure

1 5.1(d) and is excludable in computing the time within which trial must commence
2 pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(b) and
3 Title 18, United States Code, Section 3161(h)(7)(A) considering the factors in Title 18,
4 United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv);

5 **CONCLUSIONS OF LAW**

6 The ends of justice served by granting said continuance outweigh the best interest of the
7 public and the defendant in an indictment or information being filed within thirty days of the
8 defendant being arrested, because the failure to grant said continuance would be likely to result
9 in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
10 within which to be able to effectively and thoroughly prepare, taking into account the exercise of
11 due diligence.

12 The continuance sought herein is excusable under Federal Rule of Criminal Procedure
13 5.1(d) and the Speedy Trial Act, Title 18, United States Code, Section 3161(b) and Title 18,
14 United States Code, Section 3161(h)(7)(A) considering the factors in Title 18, United States
15 Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the preliminary examination in the above-captioned matter currently scheduled for April 17, 2020, at 4:00 p.m., be vacated and continued Monday, June 1, 2020 at the hour of 4:00 p.m.

IT IS SO ORDERED.

Entered: April 16, 2020

United States Magistrate Judge